THE MYSORE MINES ACT, 1906.

CONTENTS.

PRELIMINARY.

Sections.

1. Short title.
   Local extent and commencement.
2. Repeal.
3. Interpretation.

PROTECTION OF MINING PROPERTY.

4. Sections 5 to 20 may be applied to specified areas.
5. Mining materials not to be purchased, conveyed or kept without written permission.
6. Penalty for unlawful possession of mining materials.
7. Licenses required for gold dealers and goldsmiths.
8. Power to grant a license.
9. Power to cancel a license.
10. Books to be maintained.
11. Goldsmiths not to deal with gold, etc., until after three days of receipt.
12. Possession of unwrought gold unlawful except in certain cases.
13. Penalty for breach of Sections 5, 6, 7, 10, 11 or 12.
14. Substitution or addition of whipping in certain cases.
15. Power to search.
16. Liability of tenant or occupier of premises in regard to unwrought gold or mining material seized therein.
17. Liability of undesirable person to be ordered off any mine or cooly colony.
18. Licenses required for hawkers and pedlars.
19. Penalty for breaches of Sections 17 and 18.
20. Cognizability of offences by the Police.

Sections 21 to 33 omitted.

SANITATION.

34. Power of Government to make rules for sanitation and sanitary administration.
35. Constitution of a Sanitary Board.

Sections.

36. Punishment for breach of rules and bye-laws.

36A. Fines to be credited to the funds of the Sanitary Board.

GENERAL.

37. *Omitted.*

38. Abetment of offences under this Act.

39. Offences against Act and rules by whom cognizable.

40. Provisions of the Code of Criminal Procedure to apply to searches.

41. Publication of rules and bye-laws.

(Preliminary)

MYSORE ACT No. IV OF 1906.

THE MYSORE MINES ACT, 1906.

(As amended by Acts IX of 1914 and VII of 1915.)

(PASSED ON THE 24TH DAY OF JULY 1906.)

An Act to consolidate and amend the law relating to Mines in [1][the State of Mysore except Bellary District].

WHEREAS it is expedient to consolidate and amend the law relating to Mines in [1][the State of Mysore except Bellary District]; His Highness the Maharaja is pleased to enact as follows:— Preamble.

PRELIMINARY.

1. This Act may be called "The Mysore Mines Act, 1906." Short title.

It extends to the [1][whole of the State of Mysore except Bellary District], and shall come into force on the first day of September 1906. Local extent and commencement.

2. The Mysore Mines Act, 1897, and Acts I and VI of 1900 are hereby repealed. Repeal.

3. In this Act, unless there be something repugnant in the subject or context, Interpretation.

(1) "Mining operation" includes— Mining operation.

(*a*) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(*b*) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(*c*) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

1. See the Mysore Adaptation of Laws Order, 1963.

Mining Block. (2) "Mining Block" means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease granted by the Government.

Mine. (3) "Mine" means any place above or below ground where any mining operation is carried on, and includes all such portions of the surface of any mining block whereon the right of entry has been acquired by purchase or otherwise by a Mining Proprietor.

Mining Proprietor. (4) "Mining Proprietor" or "Proprietor" means any person or persons or company on whose behalf any mining operations are carried on.

Mining Superintendent. (5) "Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of Mining Proprietor.

Mining material (6) "Mining material" includes—

(*a*) alluvial gold, gold ores, native gold, precious stones and other rocks and minerals of value;

(*b*) gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals, apparatus, tools marked with the distinguishing mark of the mine, and materials used in such treatment and extraction;

(*c*) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations;

(*d*) stearine candles distinguished by the wax being of light pink colour; and

(*e*) such other materials and things used or intended to be used in mining operations as may be declared by the Government from time to time, by notification published in the Official Gazette, to be mining materials.

(*Protection of Mining Property*)

(7) "Unwrought gold" includes bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce. Unwrought gold.

(8) "Gold dealer" means any person who buys or sells unwrought gold, or receives unwrought gold by way of barter or pledge. Gold dealer.

(9) "Goldsmith" means any person who, by profession, melts, refines or works in unwrought gold or silver, or engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith. Goldsmith.

(10) "Inspector of Mines" includes any officer to whom all or some of the duties of an Inspector of Mines under this Act shall have been delegated, by a general or special order of the Government, so far as the performance of such duties is concerned. Inspector of Mines.

PROTECTION OF MINING PROPERTY.

4. (1) The provisions of sections 5 to 20, inclusive, shall not apply to any local area unless extended thereto by the Government by a notification published in the official Gazette. Sections 5 to 20 may be applied to specified areas.

(2) The Government may, by a like notification, cancel or modify any notification issued under sub-section (1).

5. No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive, convey, or except in such places as may be specially authorized, keep, any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor or his Superintendent. Mining materials not to be purchased, conveyed or kept without written permission.

6. Any person found to be in possession of any mining material without the written permission of a Mining Proprietor or Superintendent, and unable to prove that his possession of the same was obtained in a lawful Penalty for unlawful possession of mining materials.

manner, shall, on conviction before a Magistrate, be liable to the penalty provided in section 13.

Licenses required for gold dealer and goldsmiths.

7. It shall not be lawful for any person to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license, nor to carry on the profession of a goldsmith without a goldsmith's license as hereinafter provided :

Provided that it shall not be necessary for a Mining Proprietor to take out a goldsmith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.

Power to grant a license.

8. (1) The licenses referred to in section 7 may be issued by a Magistrate of the First Class on payment of such fees as the Government may by rule prescribe in that behalf, and every license shall terminate on the 31st day of December of the year in which it is issued.

(2) Every gold dealer's and every goldsmith's license and every application for a license, shall, respectively be in such forms as may be prescribed by Government.

Power to cancel a license.

9. No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a First Class Magistrate on the licensee being convicted of any offence—such conviction not being reversed on appeal or in revision—which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section by a Magistrate other than the District Magistrate shall be appealable to the District Magistrate, whose order shall be final

Books to be maintained.

10. (1) Every licensed gold dealer shall keep at his place of business a book (hereinafter called a gold dealer's register) in which the receipt or disposal of all gold, unwrought gold shall be immediately entered in such forms as may be prescribed by Government.

(2) Every licensed goldsmith shall keep at his place of business a book (hereinafter called a goldsmith's register) in which the receipt or disposal of all gold, silver, gold or silver jewellery, unwrought gold or other gold stuff,

received, treated or disposed of, by him shall be immediately entered in such form as may be prescribed by Government.

(3) Every gold dealer's register and every goldsmith's register together with any article or items of gold referred to therein and in the possession of the licensee shall be open to inspection at any time by any police officer not below the rank of Chief Constable, or any police officer specially authorized in this behalf by the Superintendent of Police or by a First Class Magistrate; provided that the person making such inspection shall not divulge the result thereof to any person other than a police officer or Magistrate or by order of a court, under a penalty on conviction not exceeding one hundred rupees.

Goldsmiths not to deal with gold, etc., until after three days of receipt.

11. No licensed goldsmith shall smelt, work, use or deal with any of the articles directed to be entered in his register under section 10 until after the expiry of three clear days from the time when such article is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a goldsmith in any way which does not change or destroy the identity of such articles.

Possession of unwrought gold unlawful except in certain cases.

12. It shall not be lawful for any person to have in his possession any unwrought gold unless he holds a gold dealer's license or a goldsmith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.

Penalty for breach of Sections 5, 6, 7, 10, 11 or 12.

13. Any person committing an offence under sections 5, 6, 7, 11 or 12 shall, except in the case mentioned in the proviso to sub-section (3) of section 10, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment of either description for a term which may extend to one year, or both.

Substitution or addition of whipping in certain cases.

14. It shall be in the discretion of the Magistrate, in the case of any person not being a female or other person exempted under section 393 of the Code of Criminal Procedure, who shall be convicted of a second offence under sections 5, 6, 7 or 12, to award whipping under the provisions of the Mysore Whipping Act V of 1903, either in substitution of, or in addition to, the penalty provided in section 13.

Power to search.

15. Any police officer not below the rank of an officer in charge of a police station may search any person or any house, building or place for the discovery of any mining material, unwrought gold or other thing with, or in respect of, which an offence under this Act is reasonably suspected to have been committed.

Liability of tenant or occupier of premises in regard to unwrought gold or mining material seized therein.

16. Any person being the tenant or occupier or reputed tenant or occupier of any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any police officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of section 12 or 6, as the case may be, until he proves the contrary.

Liability of undesirable person to be ordered off any mine or cooly colony.

[1][**17.** The Superintendent of Police for the Kolar Gold Fields, may by order in writing, direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within twenty-four hours and such person shall not, after the lapse of the said time, remain at or re-enter the said area without the permission of the said Superintendent of Police.

An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate.]

License required for hawkers and pedlars.

18. No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the First Class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe.[2]

Penalty for breaches of sections 17 and 18.

19. Any person committing [3][any act prohibited] under section 17 or 18 shall be liable on conviction to fine not exceeding one hundred rupees or imprisonment of either description for a term not exceeding three months, or both.

Cognizability of offences by the police.

20. All offences under sections 5, 6, 7, 10, 11, 12, 16, 17 and 18 of this Act shall be cognizable by the Police.

1. Substituted by Act IX of 1914.
2. The last sentence of this section was omitted by Act IX of 1914.
3. These words were substituted by Act IX of 1914.

(*Sanitation*)

[1]*Sections 21 to 33 (omitted).*

SANITATION.

34. (1) The Government may, from time to time, make rules for the special sanitation and sanitary administration of any local area within which mining operations may be carried on. Power of Government to make rules for sanitation and sanitary administration.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide—

(*a*) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(*b*) for conserving and guarding against pollution all sources of water-supply;

(*c*) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(*d*) for the proper cleansing of drains, sewers, latrines and urinals;

(*e*) for regulating the keeping of cattle and other animals, the location of sheds for them, and the fixing or licensing of slaughter-houses; and authorizing the levy of rent or fees for the use of the same or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time; and

(*f*) for the proper and timely treatment of persons affected with cholera or other epidemic disease and for preventing the spread of such disease by temporarily prohibiting persons affected or suspected to be affected with it from moving to or from particular specified places or travelling on particluar specified routes.

(3) The local area for which the rules under this section are made shall be described in a notification published in the official Gazette.

35. (1) For the purpose of carrying out the rules made under the last preceding section, the Government may appoint any persons, official or non-official or both, residing within or in the vicinity of such area, to constitute a Constitution of a Sanitary Board.

1. Sections 21 to 33 repealed by the Part B States (Laws) Act, 1951 (Central Act III of 1951.)

Sanitary Board, and invest such Board, with powers for the enforcement of the said rules, and prescribe the mode in which such Board shall conduct its business for carrying out the said rules.

(2) The powers with which the Sanitary Board may be invested under this section include—

(*a*) power to prescribe bye-laws, with the previous sanction of Government, for the special sanitation of the area under its authority and for the conduct of its business ;

(*b*) power to levy, with the like sanction, such tax, rate or cess within the said area as a Municipal Council would be competent to levy under the law in force relating to Municipalities.

Punishment for breach of rules and bye-laws.

36. For every breach of a rule made under section 34 or of a bye-law made under section 35, the offender shall be liable to a fine not exceeding rupees one hundred.

Fines to be credited to the funds of the Sanitary Board.

[1][**36A.** All fines imposed for the breach of any bye-law made under sub-section (2) of section 35 shall when recovered be credited to the funds of the Sanitary Board constituted under sub-section (1) thereof.]

[2]**37.** * * (*Omitted.*)

Abetment of offences under this Act.

38. The abetting (within the meaning of the Indian Penal Code) of any offence under this Act shall be punishable in the same manner as the offence itself.

Offences against Act and rules by whom cognizable.

39. All offences punishable under this Act and all breaches of any rules or bye-laws made thereunder shall be cognizable by the District Magistrate or a Magistrate of the First or Second Class.

Provisions of the Code of Criminal Procedure to apply to searches.

40. The provisions of the Code of Criminal Procedure relating to searches shall, so far as may be, apply to all searches made or instituted under this Act.

Publication of rules and bye-laws.

41. All rules and bye-laws made under this Act shall be published in the official Gazette, and shall thereupon have the force of law.

---

1. Added by Act VII of 1915.
2. Repealed by the Part B States (Laws) Act, 1951 (Central Act III of 1951.)